

AT-138, EJ-125

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) DAVID J. COOK, Esq., SBC: 060859 COOK, PERKISS & LEW, PLC. 333 Pine Street, 3rd Floor San Francisco, California 94104 TELEPHONE NO. (415) 989 4730 FAX NO. (415) 989 0491 ATTORNEY FOR (Name) ZARN LLC., judgment creditor		FOR COURT USE ONLY FILED CLERK, U.S. DISTRICT COURT MAR 20 2007 CENTRAL DISTRICT OF CALIFORNIA DEPUTY
NAME OF COURT: UNITED STATES DISTRICT COURT STREET ADDRESS: CENTRAL DISTRICT OF CALIFORNIA MAILING ADDRESS: 312 North Spring Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME:	Priority <input checked="" type="checkbox"/> Scan Only <input type="checkbox"/>	
PLAINTIFF: ZARN LLC. DEFENDANT: H & C DISPOSAL COMPANY		
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input checked="" type="checkbox"/> Judgment Debtor <input type="checkbox"/> Third Person		CASE NUMBER 2 MC 07 22 CV 07-1804(SHX)

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): ROGER MILSTEAD, DIRECTOR OF OPERATIONS-H & C DISPOSAL COMPANY
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
- ☒ furnish information to aid in enforcement of a money judgment against you, and produce all those certain books,
 - ☐ answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - ☐ records, papers and files which are listed on Exhibit "A" and which is answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment attached hereto and incorporated herein.

Date: May 14, 2007 Time: 2:00pm Dept. or Div.: Court Rm.: 550
 Address of court ☒ shown above ☒ is: 255 E. Temple ST. L.A., CA

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name)

Date: 3/20/07

JUDGE OR REFEREE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE**APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION**

4. ☒ Judgment creditor ☐ Assignee of record ☐ Plaintiff who has a right to attach order
 applies for an order requiring (name): ROGER MILSTEAD, DIRECTOR OF OPER to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
- ☒ the judgment debtor.
 - ☐ a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. ☐ This court is not the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. ☐ The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 17, 2007

DAVID J. COOK, Esq.

(TYPE OR PRINT NAME)

(Continued on reverse)

(SIGNATURE OF DECLARANT)

DOCKETED ON CM
 MAR 22 2007
 BY 112 007
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APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

DECLARATION OF DAVID J. COOK, ESQ. IN SUPPORT OF
PRODUCTION OF CERTAIN BOOKS, RECORDS,
PAPERS AND FILES LISTED ON EXHIBIT "A"

I, DAVID J. COOK, hereby declare and state as follows:

1. Declarant is one of the attorneys of record for Plaintiff in the above-entitled matter, am duly licensed to practice before all courts in the State of California, am familiar with the facts and circumstances as set forth below, and if called as a witness could testify thereto.

2. Plaintiff seeks production of the books, records, papers and files, which are listed on Exhibit "A" herein, which is attached hereto and incorporated by reference as though fully set forth herein.

3. Declarant requests the production of these records on the basis that they are relevant herein, in that these records will show any and all assets and liabilities of the Defendant(s) herein. These records are admissible in any trial, hearing or tribunal hereof which may relate to any proceeding by this Plaintiff herein.

4. Declarant believes that the deponent, officer, director, examinee, or any other person receiving this request, subpoena or order has possession either in part or in whole of the books, records, papers and files listed on Exhibit "A."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 17, 2007 at San Francisco, California.

DAVID J. COOK, ESQ.

EXHIBIT "A"

A. FINANCIAL RECORDS

1. All financial statements for the last three years of the judgment debtor, including balance sheets, profit and loss statements, income statements.
2. All general ledgers and journals for the last three years.
3. All canceled checks, bank statements and other items which appear in any bank statement, check registers, check books, bank reconciliations, deposit slips for any deposit, copies of any checks deposited in any bank account, copies of checks which are cashed, receipts of purchases of any cashiers checks, confirmation or notifications of any wire transfers of any type or nature and notes or reports from bookkeepers pertaining to any bank statement of the Defendant(s).
4. All loan files for the loan of any money from any person or party.

B. AGREEMENTS

5. Any contracts, agreements, leases and other business files.
6. All applications for credit with any vendor, financial institutions, creditors and third parties.
7. All vendor contracts.
8. All leases for the lease or rental for office space.
9. All agreements with any and all officers, directors, employees, independent contractors of Defendant(s).
10. All bills, dunning notices, claims for payment of money, statements, demands, lawsuits, vendor contracts to and from any vendor, supplier, employee, creditor who has supplied goods or services to Defendant(s).
11. Any and all agreements, notices, letters, correspondence, written memorandum, bulk sales notices, notice of transfer, disposition, lien, mortgage of any assets of Defendant(s) to any person or party, outside the ordinary course of business at any time.
12. Any and all joint venture agreements, partnership agreements, agreements with any officer, director, shareholder, affiliate, subdivision, subsidiary of Defendant(s) to provide any goods or services, commence or prosecute any contract or other any business activity.

1 **C. CORPORATE RECORDS**

2 13. All Articles of Incorporation, Bylaws, Minutes of Meetings of Shareholders and
3 Directors of Defendant(s).

4 14. All stock books, stock subscription agreements, issued shares of stock, agreements to
5 pay any consideration for issuance of shares of stock, agreements with any shareholder for the
6 issuance, sale or exchange of shares of stock to Defendant(s).

7 15. All permits, licenses or certificates of waivers of any permit, license or certificate
8 with any state, federal or other government agency for the issuance of any shares of stock to any
9 person on behalf of the Defendant(s).

10 **D. LICENSES AND PERMITS**

11 16. Any and all licenses issued by any state, county, city or other governmental entity by
12 which to conduct any business.

13 17. Any fictitious business statement by, for and on behalf of the Defendant to conduct
14 business.

15 18. Any professional license issued by any state licensing agency to conduct any
16 business.

17 19. Any county or city health permit to conduct any business.

18 **E. GENERAL RECORD REQUEST**

19 20. All lists of assets.

20 21. All lists of liabilities.

21 22. All auto registrations and pink slips.

22 23. Any and all trust agreements.

23 24. Any and all agreements for any safety deposit boxes.

24 25. All employment agreements.

25 26. All accounts receivable records or billings of any type or nature.

26 27. All documents which refer to any money owing to the Defendant(s).

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